

for the pesticide, ethofumesate under section 4(g)(2)(A) of FIFRA. EPA has determined that the data base to support reregistration is substantially complete and that products containing ethofumesate are eligible for reregistration, provided the risks are mitigated either in the manner described in the RED or by another means that achieves equivalent risk reduction. Upon submission of any required product-specific data under section 4(g)(2)(B) and any necessary changes to the registration and labeling (either to address concerns identified in the RED or as a result of product-specific data), EPA will make a final reregistration decision under section 4(g)(2)(C) for products containing ethofumesate.

EPA must review tolerances and tolerance exemptions that were in effect when the Food Quality Protection Act (FQPA) was enacted in August 1996, to ensure that these existing pesticide residue limits for food and feed commodities meet the safety standard established by the new law. Tolerances are considered reassessed once the safety finding has been made or a revocation occurs. EPA has reviewed and made the requisite safety finding for the ethofumesate tolerances included in this notice.

EPA is applying the principles of public participation to all pesticides undergoing reregistration and tolerance reassessment. The Agency's Pesticide Tolerance Reassessment and Reregistration; Public Participation Process, published in the **Federal Register** on May 14, 2004 (69 FR 26819) (FRL-7357-9), explains that in conducting these programs, EPA is tailoring its public participation process to be commensurate with the level of risk, extent of use, complexity of issues, and degree of public concern associated with each pesticide. Due to its uses, risks, and other factors, ethofumesate was reviewed through the modified 4-Phase process. Through this process, EPA worked extensively with stakeholders and the public to reach the regulatory decisions for ethofumesate.

The reregistration program is being conducted under Congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. The Agency is issuing the ethofumesate RED for public comment. This comment period is intended to provide an additional opportunity for public input and a mechanism for initiating any necessary amendments to the RED. All comments should be submitted using the methods in Unit I. of the **SUPPLEMENTARY INFORMATION**, and must

be received by EPA on or before the closing date. These comments will become part of the Agency Docket for ethofumesate. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

The Agency will consider all comments received by the closing date and will provide a Response to Comments Memorandum in the Docket and electronic EDOCKET. If any comment significantly affects the document, EPA also will publish an amendment to the RED in the **Federal Register**. In the absence of substantive comments requiring changes, the ethofumesate RED will be implemented as it is now presented.

#### *B. What is the Agency's Authority for Taking this Action?*

Section 4(g)(2) of FIFRA as amended directs that, after submission of all data concerning a pesticide active ingredient, "the Administrator shall determine whether pesticides containing such active ingredient are eligible for reregistration," before calling in product-specific data on individual end-use products and either reregistering products or taking other "appropriate regulatory action."

Section 408(q) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(q), requires EPA to review tolerances and exemptions for pesticide residues in effect as of August 2, 1996, to determine whether the tolerance or exemption meets the requirements of section 408(b)(2) or (c)(2) of FFDCA. This review is to be completed by August 3, 2006.

#### **List of Subjects**

Environmental protection, Pesticides and pests.

Dated: October 13, 2005.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

[OPP-2005-0173; FRL-7744-6]

### **Phenothrin; Amendment to Terminate Use**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's order for the amendment to terminate use, voluntarily requested by the

registrant and accepted by the Agency, of a product containing the pesticide phenothrin, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This order follows a July 20, 2005 (corrected August 3, 2005) **Federal Register** Notice of Receipt of a Request from the registrant Hartz Mountain Corporation to voluntarily amend to terminate certain uses of their product Hartz Ref 119. The use of this product as a spot-on for cats and kittens will be terminated. In the July 20, 2005 Notice, EPA indicated that it would issue an order implementing the amendment to terminate use no earlier than October 31, 2005. EPA further indicated that the request for termination of use was irrevocable. The Agency did not receive any comments on the Notice. Accordingly, EPA hereby issues in this Notice an order granting the requested amendment to terminate use. Any distribution, sale, or use of the product Hartz Ref 119 is permitted only in accordance with the terms of this order, including any existing stocks provisions.

**DATES:** The order to terminate use is effective November 9, 2005.

**FOR FURTHER INFORMATION CONTACT:** Ann Sibold, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 305-6502; fax number: (703) 305-9596; e-mail address: [sibold.ann@epa.gov](mailto:sibold.ann@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

###### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number

OPP-2005-0173. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1801 S. Bell St., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to view public comments, to access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## II. What Action is the Agency Taking?

This notice announces the amendment to terminate use, as requested by the registrant, of Hartz Ref 119, an end-use product containing phenothrin as a spot-on to control fleas and ticks on cats and kittens, registered under section 3 of FIFRA. This registration is listed in Table 1 of this unit.

TABLE 1.—PRODUCT REGISTRATION AMENDMENT TO TERMINATE USE

EPA Registration No.	Product Name
2596-151	Hartz Ref 119

Table 2 of this unit includes the name and address of record for the registrant of the product in Table 1 of this unit.

TABLE 2.—REGISTRANT OF AMENDED PRODUCT

EPA Company No.	Company Name and Address
2596	The Hartz Mountain Corporation, 400 Plaza Drive Secaucus, NJ 07094-3688

## III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the July 20, 2005 **Federal Register** Notice<sup>1</sup> (70 FR 41717) (FRL-7724-1) announcing the Agency's receipt of the request for an amendment to terminate the affected use of Hartz Ref 119.

## IV. Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested amendment to terminate the affected use of the Hartz Ref 119 registration identified in Table 1 of Unit II. Accordingly, the Agency orders that the product registration identified in Table 1 of Unit II. is hereby amended to terminate the affected use effective November 9, 2005. Any distribution, sale, or use of existing stocks of the products identified in Table 1 of Unit II. in a manner inconsistent with any of the Provisions for Disposition of Existing Stocks set forth in Unit VI. will be considered a violation of FIFRA.

## V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the Administrator may approve such a request.

## VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the

<sup>1</sup>A sentence was inadvertently omitted from the **DATES** unit which provided a 30-day public comment period. It also inadvertently omitted an **ADDRESSES** unit for the submission of comments. A correction Notice published in the **Federal Register** of August 3, 2005 (70 FR 44636) (FRL-7728-8).

effective date of the order to terminate use. The order issued in this Notice includes the following existing stocks provisions.

Products in the United States that have been packaged, labeled, and released for shipment prior to the effective date of the order terminating use on cats and kittens may be sold or distributed by Hartz from its facilities until December 31, 2005. After December 31, 2005, Hartz may not sell or distribute product labeled for use on cats and kittens. Products labeled for use on cats and kittens may be sold or distributed by persons other than the registrant until March 31, 2006. After this date, products so labeled may not be sold or distributed unless for the purposes of proper disposal or export.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: October 28, 2005.

**Lois Rossi,**

*Director, Registration Division, Office of Pesticide Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[OPPT-2005-0056; FRL-7745-4]

### Certain New Chemicals; Receipt and Status Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from September 26, 2005 to October 14, 2005, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.